

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LANCE IAN OSBAND,

Petitioner,

vs.

No. CIV S-97-0152 WBS KJM

DEATH PENALTY CASE

ROBERT L. AYERS, JR.,
Acting Warden of San Quentin
State Prison,

Respondent.

ORDER

On February 21, 2007 the undersigned held a hearing on respondent's January 24, 2007 motion for leave to conduct discovery. Ward Campbell appeared for respondent. Tim Schardl appeared and Tim Brosnan participated by telephone for petitioner. Respondent seeks authorization to issue a subpoena to the Indigent Defense Panel ("IDP") of Sacramento County for its records regarding one of petitioner's trial attorneys. The court previously found good cause for petitioner to obtain this discovery. Jan. 12, 2007 Order. The court finds respondent has good cause for the discovery as well. Rule 6, Rules Governing Section 2254 Cases. Because the evidentiary hearing is imminent and information from the IDP on trial counsel's appointment to or conduct in other cases may lead to the discovery of evidence relevant to petitioner's claims of

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1 ineffective assistance of counsel and/or respondent's defenses thereto, there is good cause for
2 respondent to subpoena the information from the IDP.

3 IT IS SO ORDERED.

4 DATED: February 26, 2007.

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7 U.S. MAGISTRATE JUDGE
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